



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

GAG PROPERTIES, ) No. CV 13-07073-UA  
 )  
Plaintiff, ) ORDER SUMMARILY REMANDING  
 ) IMPROPERLY-REMOVED ACTION  
v. )  
 )  
EDMON TAYLOR, )  
 )  
Defendant. )  
 )  
\_\_\_\_\_ )  
 )

The Court will remand this "Complaint for Unlawful Detainer - Amount Demanded Does Not Exceed \$10,000," Case No. 13 U10485, to state court summarily because Defendant removed it improperly.

On September 24, 2013, Defendant John Taylor, who is not a named party in what appears to be a routine unlawful detainer action in California state court, lodged a Notice Of Removal of that action to this Court and also presented an application to proceed in forma pauperis. The Court has denied the latter applications under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

1 Simply stated, Plaintiff could not have brought this action in  
2 federal court in the first place, in that Defendant does not  
3 competently allege facts supplying either diversity or federal-  
4 question jurisdiction, and therefore removal is improper. 28 U.S.C.  
5 § 1441(a); see Exxon Mobil Corp v. Allapattah Svcs., Inc., 545 U.S.  
6 546, 563 (2005). Even if complete diversity of citizenship exists,  
7 the amount in controversy does not exceed the diversity-jurisdiction  
8 threshold of \$75,000. See 28 U.S.C. §§ 1332, 1441(b). On the  
9 contrary, the unlawful-detainer complaint recites that the amount in  
10 controversy does not exceed \$10,000.

11 Nor does Plaintiff's unlawful detainer action raise any federal  
12 legal question. See 28 U.S.C. §§ 1331, 1441(b).

13 Accordingly, **IT IS ORDERED** that (1) this matter be **REMANDED** to  
14 the Superior Court of California, Los Angeles County, 111 North Hill  
15 Street, Los Angeles, California 90012 for lack of subject matter  
16 jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send  
17 a certified copy of this Order to the state court; and (3) that the  
18 Clerk serve copies of this Order on the parties.

19 **IT IS SO ORDERED.**

20  
21 DATED: 10/2/13

  
\_\_\_\_\_  
HONORABLE GEORGE H. KING  
CHIEF UNITED STATES DISTRICT JUDGE